

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 327-5339
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. 2009-23

12 **JOVELLEA MARIE HILL, aka**
13 **JOVELLEA MARIE THIBODEAUX**
609 South Acacia Drive
14 Lemoore, California 93245

**ACCUSATION AND PETITION
TO REVOKE PROBATION**

15 Registered Nurse License No. 511669

16 Respondent.

17
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation and Petition to Revoke Probation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about May 25, 1995, the Board issued Registered Nurse License
25 Number 511669 ("license") to Jovellea Marie Hill, also known as Jovellea Marie Thibodeaux
26 ("Respondent"). The registered nurse license will expire on June 30, 2008, unless renewed.

27 ///

28 ///

1 **Prior Discipline**

2 3. Effective June 8, 2006, in a disciplinary action entitled "In the Matter of
3 the Accusation Against Jovellea Marie Hill, aka Jovellea Marie Thibodeaux," Accusation No.
4 2005-186, the Board of Registered Nursing issued a Decision and Order, attached hereto as
5 **Exhibit A** and incorporated herein by reference, in which Respondent's Registered Nurse License
6 No. 511669 was revoked; however, the revocation was stayed and Respondent was placed on
7 probation for three (3) years with conditions.

8 **JURISDICTION**

9 4. Section 2750 of the Business and Professions Code ("Code") provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
12 section 2750) of the Nursing Practice Act.

13 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
14 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
15 against the licensee or to render a decision imposing discipline on the license. Under Code
16 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
17 years after the expiration.

18 6. Code section 118, subdivision (b), provides, in pertinent part, that the
19 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
20 action during the period within which the license may be renewed, restored, reissued or
21 reinstated.

22 **ACCUSATION**

23 **CAUSE FOR DISCIPLINE**

24 **(Self Administration)**

25 7. Respondent has subjected her license to discipline under Code section
26 2762, subdivision (a), on the grounds of unprofessional conduct, in that between approximately
27 May 4, 2007, and February 15, 2008, Respondent self-administered Dihydrocodeine,
28 Hydrocodol, Hydrocodone, Hydromorphone, Morphine, Propoxyphene, Norpropoxyphene, all

1 controlled substances and/or dangerous drugs, without lawful authority, as more particularly set
2 forth in the Petition to Revoke Probation, paragraph 20, below.

3 **PETITION TO REVOKE PROBATION**

4 8. Grounds exist for revoking the probation and reimposing the order of
5 revocation of Respondent's Registered Nurse License No. 511669. Condition 12 of the Decision
6 and Order states:

7 If Respondent violates that conditions of her probation, the Board after
8 giving the Respondent notice and an opportunity to be heard, may set aside the
9 stay order and impose the stayed discipline (revocation) of the Respondent's
10 license.

11 If during the period of probation, an accusation or petition to revoke
12 probation has been filed against Respondent's license, or the Attorney General's
13 Office has been requested to prepare an accusation or petition to revoke probation
14 against Respondent's license, the probationary period shall automatically be
15 extended and shall not expire until the accusation or petition has been acted upon
16 by the Board.

17 9. Respondent has violated the Probation Program, as set forth in the
18 following paragraphs:

19 **FIRST CAUSE TO REVOKE PROBATION**

20 **(Failure to Submit Written Reports)**

21 10. At all times after the effective date of Respondent's probation, Condition
22 5, stated:

23 Respondent, during the period of probation, shall submit or cause to be
24 submitted such written reports/declarations and verification of actions under
25 penalty of perjury, as required by the Board. These reports/declarations shall
26 contain statements relative to Respondent's compliance with all the conditions of
27 the Board's Probation Program. Respondent shall immediately execute all release
28 of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory
agency in every state and territory in which she has a registered nurse license.

11. Respondent's probation is subject to revocation because she failed to
comply with Probation Condition 5, referenced above. The facts and circumstances regarding
this violation are as follows:

a. Respondent failed to provide evidence that she completed the required
physical health examination by the due date of September 10, 2006.

1 b. Respondent failed to provide the Board with evidence that she completed
2 the required mental health examination by the due date of September 10, 2006.

3 c. Respondent failed to submit to the Board, quarterly reports that were due
4 on October 7, 2007, January 7, 2008, and April 7, 2008.

5 d. Respondent failed to provide the Board with evidence of her attendance in
6 support groups after June 2006.

7 e. Respondent failed to provide the Board with disability paperwork
8 requested by the Board on October 12, 2006.

9 f. Respondent failed to provide the Board with the on-going treatment form
10 that was due on September 10, 2006.

11 g. Respondent failed to provide the Board with a doctor's letter regarding her
12 use of prescription medications.

13 **SECOND CAUSE TO REVOKE PROBATION**

14 **(Failure to Obtain Board Approval for Employment as a Registered Nurse)**

15 12. At all times after the effective date of Respondent's probation, Condition
16 7, stated:

17 Respondent shall obtain prior approval from the Board before
18 commencing or continuing any employment, paid or voluntary, as a registered
19 nurse. Respondent shall cause to be submitted to the Board all performance
evaluations and other employment related reports as a registered nurse upon
request of the Board.

20 Respondent shall provide a copy of the Decision to her employer and
21 immediate supervisors prior to commencement of any nursing or other health care
related employment.

22 In addition to the above, Respondent shall notify the Board in writing
23 within seventy-two (72) hours after she obtains any nursing or other health care
24 related employment. Respondent shall notify the Board in writing within seventy-
25 two (72) hours after she is terminated or separated, regardless of cause, from any
nursing, or other health care related employment with a full explanation of the
circumstances surrounding the termination or separation.

26 ///

27 ///

28 ///

1 13. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition 7, referenced above. The facts and circumstances regarding
3 this violation are that Respondent failed to obtain Board approval before working as a registered
4 nurse.

5 **THIRD CAUSE TO REVOKE PROBATION**

6 **(Failure to Complete the Physical Health Examination)**

7 14. At all times after the effective date of Respondent's probation, Condition
8 14, stated:

9 Within 45 days of the effective date of this Decision, Respondent, at her
10 expense, shall have a licensed physician, nurse practitioner, or physician assistant,
11 who is approved by the Board before the assessment is performed, submit an
12 assessment of the Respondent's physical condition and capability to perform the
13 duties of a registered nurse. Such an assessment shall be submitted in a format
14 acceptable to the Board. If medically determined, a recommended treatment
15 program will be instituted and followed by the Respondent with the physician,
16 nurse practitioner, or physician assistant providing written reports to the Board on
17 forms provided by the Board.

18 If Respondent is determined to be unable to practice with safety as a
19 registered nurse, the licensed physician, nurse practitioner, or physician assistant
20 making this determination shall immediately notify the Board and Respondent by
21 telephone, and the Board shall request that the Attorney General's office prepare
22 an accusation or petition to revoke probation. Respondent shall immediately
23 cease practice and shall not resume practice until notified by the Board. During
24 this period of suspension, Respondent shall not engage in any practice for which a
25 license issued by the Board is required until the Board has notified Respondent
26 that a medical determination permits Respondent to resume practice. This period
27 of suspension will not apply to the reduction of this probationary time period.

28 If Respondent fails to have the above assessment submitted to the Board
within the 45-day requirement, Respondent shall immediately cease practice and
shall not resume practice until notified by the Board. This period of suspension
will not apply to the reduction of this probationary time period. The Board may
waive or postpone this suspension only if significant, documented evidence of
mitigation is provided. Such evidence must establish good faith efforts by
Respondent to obtain the assessment, and a specific date for compliance must be
provided. Only one such waiver or extension may be permitted.

15. Respondent's probation is subject to revocation because she failed to
comply with Probation Condition 14, referenced above. The facts and circumstances regarding
this violation are that Respondent failed to complete the physical health examination.

///

///

1 **FOURTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Participate in Treatment/Rehabilitation Program for Chemical Dependence)**

3 16. At all times after the effective date of Respondent's probation, Condition
4 15, stated:

5 Respondent, at her expense, shall successfully complete during the
6 probationary period or shall have successfully completed prior to the
7 commencement of probation a Board-approved treatment/rehabilitation program
8 of at least six months duration. As required, reports shall be submitted by the
9 program on forms provided by the Board. If Respondent has not completed a
10 Board-approved treatment/rehabilitation program prior to commencement of
11 probation, Respondent, within 45 days from the effective date of the decision,
12 shall be enrolled in a program. If a program is not successfully completed within
13 the first nine months of probation, the Board shall consider Respondent in
14 violation of probation.

15 Based on Board recommendation, each week Respondent shall be required
16 to attend at least one, but no more than five 12-step recovery meetings or
17 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse
18 support group as approved and directed by the Board. If a nurse support group is
19 not available, an additional 12-step meeting or equivalent shall be added.
20 Respondent shall submit dated and signed documentation confirming such
21 attendance to the Board during the entire period of probation. Respondent shall
22 continue with the recovery plan recommended by the treatment/rehabilitation
23 program or a licensed mental health examiner and/or other ongoing recovery
24 groups.

25 17. Respondent's probation is subject to revocation because she failed to
26 comply with Probation Condition 15, referenced above. The facts and circumstances regarding
27 this violation are that Respondent failed to provide the Board with evidence of her participation
28 in the required 12-step and nurse support group meetings each week.

29 **FIFTH CAUSE TO REVOKE PROBATION**

30 **(Failure to Abstain from the Use of Psychotropic [Mood-Altering Drugs] and Alcohol)**

31 18. At all times after the effective date of Respondent's probation, Condition
32 16, stated:

33 Respondent shall completely abstain from the possession, injection or
34 consumption by any route of all psychotropic (mood-altering) drugs, including
35 alcohol, except when the same are ordered by a health care professional legally
36 authorized to do so and are part of documented medical treatment. Respondent
37 shall have sent to the Board, in writing and within fourteen (14) days, by the
38 prescribing physician or dentist, a report identifying the medication, dosage, the
date the medication was prescribed, Respondent's prognosis, the date the
medication will no longer be required, and the effect on the recovery plan, if
appropriate.

1 Respondent shall identify for the Board a single physician, nurse
2 practitioner or physician assistant who shall be aware of Respondent's history or
3 substance abuse and will coordinate and monitor any prescriptions for Respondent
4 for dangerous drugs, controlled substances or mood-altering drugs. The
5 coordinating physician, nurse practitioner or physician assistant shall report to the
6 Board on a quarterly basis Respondent's compliance with this condition.
7 If any substances considered addictive have been prescribed, the report shall
8 identify a program for the time limited use of any such substances.

9 The Board may require the single coordinating physician, nurse
10 practitioner or physician assistant to be a specialist in addictive medicine or to
11 consult with a specialist in addictive medicine.

12 19. Respondent's probation is subject to revocation because she failed to
13 comply with Probation Condition 16, referenced above. The facts and circumstances regarding
14 this violation are that Respondent failed to completely abstain from the use of alcoholic
15 beverages and controlled substances and/or dangerous drugs as evidenced by her positive test
16 results, as follows:

- 17 a. 5/4/2007, Alcohol and Dihydrocodeine/Hydrocodol;
- 18 b. 6/13/2007, Alcohol;
- 19 c. 7/23/2007, Hydrocodone/Hydromorphone;
- 20 d. 7/31/2007, Hydrocodone/Hydromorphone;
- 21 e. 8/3/2007, Hydrocodone/Hydromorphone and Ethanol;
- 22 f. 8/13/2007, Hydrocodone/Hydromorphone and
23 Dihydrocodeine/Hydrocodol;
- 24 g. 10/8/2007, Hydrocodone/Hydromorphone and
25 Dihydrocodeine/Hydrocodol;
- 26 h. 10/22/2007, Hydrocodone/Hydromorphone and
27 Dihydrocodeine/Hydrocodol;
- 28 i. 11/6/2007, Hydrocodone/Hydromorphone, Dihydrocodeine/Hydrocodol,
and Morphine;
- j. 11/16/2007, Hydrocodone/Hydromorphone, Dihydrocodeine/Hydrocodol,
and Alcohol;

///

- 1 k. 12/3/2007, Hydrocodone/Hydromorphone and
2 Dihydrocodeine/Hydrocodol;
3 l. 1/2/2008, Hydrocodone/Hydromorphone and Dihydrocodeine/Hydrocodol;
4 m. 1/16/2008, Hydrocodone/Hydromorphone, Dihydrocodeine/Hydrocodol,
5 and Alcohol;
6 n. 2/4/2008, Hydrocodone/Hydromorphone, Dihydrocodeine/Hydrocodol and
7 Propoxyphene/Norpropoxyphene;
8 o. 2/15/2008, Hydrocodone/Hydromorphone, Dihydrocodeine/Hydrocodol
9 and Propoxyphene/Norpropoxyphene;

10 **SIXTH CAUSE TO REVOKE PROBATION**

11 **(Failure to Participate in the Board's Drug Screening)**

12 20. At all times after the effective date of Respondent's probation, Condition
13 17, stated:

14 Respondent, at her expense, shall participate in a random, biological fluid
15 testing or a drug screening program which the Board approves. The length of
16 time and frequency will be subject to approval by the Board. Respondent is
17 responsible for keeping the Board informed of Respondent's current telephone
18 number at all times. Respondent shall also ensure that messages may be left at the
19 telephone number when she is not available and ensure that reports are submitted
20 directly by the testing agency to the Board, as directed. Any confirmed positive
21 finding shall be reported immediately to the Board by the program and
22 Respondent shall be considered in violation of probation.

19 In addition, Respondent, at any time during the period of probation, shall
20 fully cooperate with the Board or its representatives, and shall, when requested,
21 submit to such tests and samples as the Board or its representatives may require
22 for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
23 controlled substances.

22 If Respondent has a positive drug screen for any substance not legally
23 authorized and not reported to the coordinating physician, nurse practitioner or
24 physician assistant, and the Board files a petition to revoke probation or an
25 accusation, the Board may suspend Respondent from practice pending the final
26 decision on the petition to revoke probation or the accusation. This period of
27 suspension will not apply to the reduction of this probationary period.

26 If Respondent fails to participate in a random, biological fluid testing or
27 drug screening program within the specified time frame, Respondent shall
28 immediately cease practice and shall not resume practice until notified by the
Board. After taking into account documented evidence of mitigation, if the Board
files a petition to revoke probation or an accusation, the Board may suspend
Respondent from practice pending the final decision on the petition to revoke

1 probation or the accusation. This period of suspension will not apply to the
2 reduction of this probationary period.

3 21. Respondent's probation is subject to revocation because she failed to
4 comply with Probation Condition 17, referenced above. The facts and circumstances regarding
5 this violation are that Respondent failed to participate in the Board's drug screening program by
6 failing to arrange for drug/alcohol screenings and/or failing to appear for screenings on
7 October 12, 2006; October 20, 2006; April 4, 2007; April 23, 2007; June 20, 2007; July 5, 2007;
8 September 13, 2007; October 1, 2007; and December 21, 2007.

9 **SEVENTH CAUSE TO REVOKE PROBATION**

10 **(Failure to Complete a Mental Health Examination)**

11 22. At all times after the effective date of Respondent's probation, Condition
12 18, stated:

13 Respondent shall, within 45 days of the effective date of this Decision,
14 have a mental health examination including psychological testing as appropriate
15 to determine her capability to perform the duties of a registered nurse. The
16 examination will be performed by a psychiatrist, psychologist or other licensed
17 mental health practitioner approved by the Board. The examining mental health
18 practitioner will submit a written report of that assessment and recommendations
19 to the Board. All costs are the responsibility of Respondent. Recommendations
20 for treatment, therapy or counseling made as a result of the mental health
21 examination will be instituted and followed by Respondent.

22 If Respondent is determined to be unable to practice safely as a registered
23 nurse, the licensed mental health care practitioner making this determination shall
24 immediately notify the Board and Respondent by telephone, and the Board shall
25 request that the Attorney General's office prepare an accusation or petition to
26 revoke probation. Respondent shall immediately cease practice and may not
27 resume practice until notified by the Board. During this period of suspension,
28 Respondent shall not engage in any practice for which a license issued by the
Board is required, until the Board has notified Respondent that a mental health
determination permits Respondent to resume practice. This period of suspension
will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board
within the 45-day requirement, Respondent shall immediately cease practice and
shall not resume practice until notified by the Board. The period of suspension
will not apply to the reduction of this probationary time period. The Board may
waive or postpone this suspension only if significant, documented evidence of
mitigation is provided. Such evidence must establish good faith efforts by
Respondent to obtain the assessment, and a specific date for compliance must be
provided. Only one such waiver or extension may be permitted.

///

23. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 18, referenced above. The facts and circumstances regarding this violation are that Respondent failed to complete the mental health examination and have the narrative report submitted to the Board by the due date of September 10, 2006.

EIGHTH CAUSE TO REVOKE PROBATION

(Failure to Participate in Ongoing Therapy or Counseling)

24. At all times after the effective date of Respondent's probation, Condition 19, stated:

Respondent, at her own expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

25. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 19, referenced above. The facts and circumstances regarding this violation are that Respondent failed to submit the required on-going treatment form to the Board by the due date of September 10, 2006.

NINTH CAUSE TO REVOKE PROBATION

(Failure to Comply with the Probation Program)

26. At all times after the effective date of Respondent's probation, Condition 2, stated:

Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

27. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 2, referenced above. The facts and circumstances regarding this violation are that Respondent failed to comply with the Board's Probation Program, as set forth in paragraphs 10, through 25, above.

///

1 **PRAYER**


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2005-186 and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 511669, issued to Jovellea Marie Hill, also known as
7 Jovellea Marie Thibodeaux;

8 2. Ordering Jovellea Marie Hill, also known as Jovellea Marie Thibodeaux to
9 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
10 this case, pursuant to Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 7/31/08
13

14
15 
16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A
Decision and Order
Board of Registered Nursing Case No. 2005-186

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2005-186

JOVELLEA MARIE HILL
609 South Acacia Drive
Lemoore, California 93245

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 8, 2006.

It is so ORDERED MAY 8, 2006.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
2 of the State of California
3 ARTHUR D. TAGGART, State Bar No. 083047
4 Lead Supervising Deputy Attorney General
5 California Department of Justice
6 1300 I Street, Suite 125
7 P.O. Box 944255
8 Sacramento, CA 94244-2550
9 Telephone: (916) 324-5339
10 Facsimile: (916) 327-8643

11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF REGISTERED NURSING**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation Against:

Case No. 2005-186

17 **JOVELLEA MARIE HILL**
18 609 South Acacia Drive
19 Lemoore, California 93245

20 **STIPULATED SETTLEMENT AND**
21 **DISCIPLINARY ORDER**

22 Respondent.

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties
24 to the above-entitled proceedings that the following matters are true:

25 PARTIES

26 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive
27 Officer of the Board of Registered Nursing. She brought this action solely in her official
28 capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of
California, by Arthur D. Taggart, Lead Supervising Deputy Attorney General.

2. Respondent JOVELLEA MARIE HILL JOVELLEA MARIE HILL
(Respondent) is representing herself in this proceeding and has chosen not to exercise her
right to be represented by counsel.

3. On or about May 25, 1995, the Board of Registered Nursing issued
Registered Nurse License No. 511669 to JOVELLEA MARIE HILL (Respondent). The
License was in full force and effect at all times relevant to the charges brought in
Accusation No. and will expire on June 30, 2006, unless renewed.

1
2
3
4
5
6
7
8
JURISDICTION

4. Accusation No. 2005-186 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 12, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-186 is attached as exhibit A and incorporated herein by reference.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2005-186. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

23
24
25
26
27
28
CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2005-186.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 511669 issued to Respondent JOVELLEA MARIE HILL (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

1 **Criminal Court Orders:** If Respondent is under criminal court orders,
2 including probation or parole, and the order is violated, this shall be deemed a violation of
3 these probation conditions, and may result in the filing of an accusation and/or petition to
4 revoke probation.

5 2. **Comply with the Board's Probation Program.** Respondent shall
6 fully comply with the conditions of the Probation Program established by the Board and
7 cooperate with representatives of the Board in its monitoring and investigation of the
8 Respondent's compliance with the Board's Probation Program. Respondent shall inform
9 the Board in writing within no more than 15 days of any address change and shall at all
10 times maintain an active, current license status with the Board, including during any period
11 of suspension.

12 Upon successful completion of probation, Respondent's license shall be
13 fully restored.

14 3. **Report in Person.** Respondent, during the period of probation, shall
15 appear in person at interviews/meetings as directed by the Board or its designated
16 representatives.

17 4. **Residency, Practice, or Licensure Outside of State.** Periods of
18 residency or practice as a registered nurse outside of California shall not apply toward a
19 reduction of this probation time period. Respondent's probation is tolled, if and when she
20 resides outside of California. Respondent must provide written notice to the Board within
21 15 days of any change of residency or practice outside the state, and within 30 days prior to
22 re-establishing residency or returning to practice in this state.

23 Respondent shall provide a list of all states and territories where she has ever
24 been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall
25 further provide information regarding the status of each license and any changes in such
26 license status during the term of probation. Respondent shall inform the Board if she
27 applies for or obtains a new nursing license during the term of probation.

28 ///

1 5. **Submit Written Reports.** Respondent, during the period of
2 probation, shall submit or cause to be submitted such written reports/declarations and
3 verification of actions under penalty of perjury, as required by the Board. These
4 reports/declarations shall contain statements relative to Respondent's compliance with all
5 the conditions of the Board's Probation Program. Respondent shall immediately execute
6 all release of information forms as may be required by the Board or its representatives.

7 Respondent shall provide a copy of this Decision to the nursing regulatory
8 agency in every state and territory in which she has a registered nurse license.

9 6. **Function as a Registered Nurse.** Respondent, during the period of
10 probation, shall engage in the practice of registered nursing in California for a minimum of
11 24 hours per week for 6 consecutive months or as determined by the Board.

12 For purposes of compliance with the section, "engage in the practice of
13 registered nursing" may include, when approved by the Board, volunteer work as a
14 registered nurse, or work in any non-direct patient care position that requires licensure as a
15 registered nurse.

16 The Board may require that advanced practice nurses engage in advanced
17 practice nursing for a minimum of 24 hours per week for 6 consecutive months or as
18 determined by the Board.

19 If Respondent has not complied with this condition during the probationary
20 term, and Respondent has presented sufficient documentation of her good faith efforts to
21 comply with this condition, and if no other conditions have been violated, the Board, in its
22 discretion, may grant an extension of Respondent's probation period up to one year without
23 further hearing in order to comply with this condition. During the one year extension, all
24 original conditions of probation shall apply.

25 7. **Employment Approval and Reporting Requirements.**

26 Respondent shall obtain prior approval from the Board before commencing or continuing
27 any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be
28 submitted to the Board all performance evaluations and other employment related reports as

1 a registered nurse upon request of the Board.

2 Respondent shall provide a copy of this Decision to her employer and
3 immediate supervisors prior to commencement of any nursing or other health care related
4 employment.

5 In addition to the above, Respondent shall notify the Board in writing within
6 seventy-two (72) hours after she obtains any nursing or other health care related
7 employment. Respondent shall notify the Board in writing within seventy-two (72) hours
8 after she is terminated or separated, regardless of cause, from any nursing, or other health
9 care related employment with a full explanation of the circumstances surrounding the
10 termination or separation.

11 8. **Supervision.** Respondent shall obtain prior approval from the Board
12 regarding Respondent's level of supervision and/or collaboration before commencing or
13 continuing any employment as a registered nurse, or education and training that includes
14 patient care.

15 Respondent shall practice only under the direct supervision of a registered
16 nurse in good standing (no current discipline) with the Board of Registered Nursing, unless
17 alternative methods of supervision and/or collaboration (e.g., with an advanced practice
18 nurse or physician) are approved.

19 Respondent's level of supervision and/or collaboration may include, but is
20 not limited to the following:

21 (a) Maximum - The individual providing supervision and/or collaboration
22 is present in the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration
24 is in the patient care unit or in any other work setting at least half the hours Respondent
25 works.

26 (c) Minimum - The individual providing supervision and/or collaboration
27 has person-to-person communication with Respondent at least twice during each shift
28 worked.

1 (d) Home Health Care - If Respondent is approved to work in the home
2 health care setting, the individual providing supervision and/or collaboration shall have
3 person-to-person communication with Respondent as required by the Board each work day.
4 Respondent shall maintain telephone or other telecommunication contact with the
5 individual providing supervision and/or collaboration as required by the Board during each
6 work day. The individual providing supervision and/or collaboration shall conduct, as
7 required by the Board, periodic, on-site visits to patients' homes visited by Respondent
8 with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's
10 registry, in any private duty position as a registered nurse, a temporary nurse placement
11 agency, a traveling nurse, or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting
13 nurse unless the registered nursing supervision and other protections for home visits have
14 been approved by the Board. Respondent shall not work in any other registered nursing
15 occupation where home visits are required.

16 Respondent shall not work in any health care setting as a supervisor of
17 registered nurses. The Board may additionally restrict Respondent from supervising
18 licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of
20 nursing or as an instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and
22 predetermined worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week,
24 the Board may request documentation to determine whether there should be restrictions on
25 the hours of work.

26 10. **Complete a Nursing Course(s).** Respondent, her own expense,
27 shall enroll and successfully complete a course(s) relevant to the practice of registered
28 nursing no later than six months prior to the end of her probationary term.

1 Respondent shall obtain prior approval from the Board before enrolling in
2 the course(s). Respondent shall submit to the Board the original transcripts or certificates
3 of completion for the above required course(s). The Board shall return the original
4 documents to Respondent after photocopying them for its records.

5 11. **Cost Recovery.** Respondent shall pay to the Board costs associated
6 with its investigation and enforcement pursuant to Business and Professions Code section
7 125.3 in the amount of \$432.25. Respondent shall be permitted to pay these costs in a
8 payment plan approved by the Board, with payments to be completed no later than three
9 months prior to the end of the probation term.

10 If Respondent has not complied with this condition during the probationary
11 term, and Respondent has presented sufficient documentation of her good faith efforts to
12 comply with this condition, and if no other conditions have been violated, the Board, in its
13 discretion, may grant an extension of Respondent's probation period up to one year without
14 further hearing in order to comply with this condition. During the one year extension, all
15 original conditions of probation will apply.

16 12. **Violation of Probation.** If Respondent violates the conditions of
17 her probation, the Board after giving Respondent notice and an opportunity to be heard,
18 may set aside the stay order and impose the stayed discipline (revocation/suspension) of
19 Respondent's license.

20 If during the period of probation, an accusation or petition to revoke
21 probation has been filed against Respondent's license or the Attorney General's Office has
22 been requested to prepare an accusation or petition to revoke probation against
23 Respondent's license, the probationary period shall automatically be extended and shall not
24 expire until the accusation or petition has been acted upon by the Board..

25 13. **License Surrender.** During Respondent's term of probation, if she
26 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
27 conditions of probation, Respondent may surrender her license to the Board. The Board
28 reserves the right to evaluate Respondent's request and to exercise its discretion whether to

1 grant the request, or to take any other action deemed appropriate and reasonable under the
2 circumstances, without further hearing. Upon formal acceptance of the tendered license
3 and wall certificate, Respondent will no longer be subject to the conditions of probation.

4 Surrender of Respondent's license shall be considered a disciplinary action
5 and shall become a part of Respondent's license history with the Board. A registered nurse
6 whose license has been surrendered may petition the Board for reinstatement no sooner
7 than the following minimum periods from the effective date of the disciplinary decision:

8 (1) Two years for reinstatement of a license that was surrendered for any
9 reason other than a mental or physical illness; or

10 (2) One year for a license surrendered for a mental or physical illness.

11 14. **Physical Examination.** Within 45 days of the effective date of this
12 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
13 physician assistant, who is approved by the Board before the assessment is performed,
14 submit an assessment of the Respondent's physical condition and capability to perform the
15 duties of a registered nurse. Such an assessment shall be submitted in a format acceptable
16 to the Board. If medically determined, a recommended treatment program will be instituted
17 and followed by the Respondent with the physician, nurse practitioner, or physician
18 assistant providing written reports to the Board on forms provided by the Board.

19 If Respondent is determined to be unable to practice safely as a registered
20 nurse, the licensed physician, nurse practitioner, or physician assistant making this
21 determination shall immediately notify the Board and Respondent by telephone, and the
22 Board shall request that the Attorney General's office prepare an accusation or petition to
23 revoke probation. Respondent shall immediately cease practice and shall not resume
24 practice until notified by the Board. During this period of suspension, Respondent shall not
25 engage in any practice for which a license issued by the Board is required until the Board
26 has notified Respondent that a medical determination permits Respondent to resume
27 practice. This period of suspension will not apply to the reduction of this probationary time
28 period.

1 If Respondent fails to have the above assessment submitted to the Board
2 within the 45-day requirement, Respondent shall immediately cease practice and shall not
3 resume practice until notified by the Board. This period of suspension will not apply to the
4 reduction of this probationary time period. The Board may waive or postpone this
5 suspension only if significant, documented evidence of mitigation is provided. Such
6 evidence must establish good faith efforts by Respondent to obtain the assessment, and a
7 specific date for compliance must be provided. Only one such waiver or extension may be
8 permitted.

9 **15. Participate in Treatment/Rehabilitation Program for Chemical**
10 **Dependence.** Respondent, at her expense, shall successfully complete during the
11 probationary period or shall have successfully completed prior to commencement of
12 probation a Board-approved treatment/rehabilitation program of at least six months
13 duration. As required, reports shall be submitted by the program on forms provided by the
14 Board. If Respondent has not completed a Board-approved treatment/rehabilitation
15 program prior to commencement of probation, Respondent, within 45 days from the
16 effective date of the decision, shall be enrolled in a program. If a program is not
17 successfully completed within the first nine months of probation, the Board shall consider
18 Respondent in violation of probation.

19 Based on Board recommendation, each week Respondent shall be required
20 to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g.,
21 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as
22 approved and directed by the Board. If a nurse support group is not available, an additional
23 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed
24 documentation confirming such attendance to the Board during the entire period of
25 probation. Respondent shall continue with the recovery plan recommended by the
26 treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing
27 recovery groups.

28 ///

1 16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.**

2 Respondent shall completely abstain from the possession, injection or consumption by any
3 route of all controlled substances and all psychotropic (mood altering) drugs, including
4 alcohol, except when the same are ordered by a health care professional legally authorized
5 to do so as part of documented medical treatment. Respondent shall have sent to the Board,
6 in writing and within fourteen (14) days, by the prescribing health professional, a report
7 identifying the medication, dosage, the date the medication was prescribed, the
8 Respondent's prognosis, the date the medication will no longer be required, and the effect
9 on the recovery plan, if appropriate.

10 Respondent shall identify for the Board a single physician, nurse practitioner
11 or physician assistant who shall be aware of Respondent's history of substance abuse and
12 will coordinate and monitor any prescriptions for Respondent for dangerous drugs,
13 controlled substances or mood-altering drugs. The coordinating physician, nurse
14 practitioner, or physician assistant shall report to the Board on a quarterly basis
15 Respondent's compliance with this condition. If any substances considered addictive have
16 been prescribed, the report shall identify a program for the time limited use of any such
17 substances.

18 The Board may require the single coordinating physician, nurse practitioner,
19 or physician assistant to be a specialist in addictive medicine, or to consult with a specialist
20 in addictive medicine.

21 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
22 participate in a random, biological fluid testing or a drug screening program which the
23 Board approves. The length of time and frequency will be subject to approval by the
24 Board. Respondent is responsible for keeping the Board informed of Respondent's current
25 telephone number at all times. Respondent shall also ensure that messages may be left at
26 the telephone number when she is not available and ensure that reports are submitted
27 directly by the testing agency to the Board, as directed. Any confirmed positive finding
28 shall be reported immediately to the Board by the program and Respondent shall be

1 considered in violation of probation.

2 In addition, Respondent, at any time during the period of probation, shall
3 fully cooperate with the Board or any of its representatives, and shall, when requested,
4 submit to such tests and samples as the Board or its representatives may require for the
5 detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

6 If Respondent has a positive drug screen for any substance not legally
7 authorized and not reported to the coordinating physician, nurse practitioner, or physician
8 assistant, and the Board files a petition to revoke probation or an accusation, the Board may
9 suspend Respondent from practice pending the final decision on the petition to revoke
10 probation or the accusation. This period of suspension will not apply to the reduction of
11 this probationary time period.

12 If Respondent fails to participate in a random, biological fluid testing or
13 drug screening program within the specified time frame, Respondent shall immediately
14 cease practice and shall not resume practice until notified by the Board. After taking into
15 account documented evidence of mitigation, if the Board files a petition to revoke
16 probation or an accusation, the Board may suspend Respondent from practice pending the
17 final decision on the petition to revoke probation or the accusation. This period of
18 suspension will not apply to the reduction of this probationary time period.

19 18. **Mental Health Examination.** Respondent shall, within 45 days of
20 the effective date of this Decision, have a mental health examination including
21 psychological testing as appropriate to determine her capability to perform the duties of a
22 registered nurse. The examination will be performed by a psychiatrist, psychologist or
23 other licensed mental health practitioner approved by the Board. The examining mental
24 health practitioner will submit a written report of that assessment and recommendations to
25 the Board. All costs are the responsibility of Respondent. Recommendations for treatment,
26 therapy or counseling made as a result of the mental health examination will be instituted
27 and followed by Respondent.

28 ///

1 If Respondent is determined to be unable to practice safely as a registered
2 nurse, the licensed mental health care practitioner making this determination shall
3 immediately notify the Board and Respondent by telephone, and the Board shall request
4 that the Attorney General's office prepare an accusation or petition to revoke probation.
5 Respondent shall immediately cease practice and may not resume practice until notified by
6 the Board. During this period of suspension, Respondent shall not engage in any practice
7 for which a license issued by the Board is required, until the Board has notified Respondent
8 that a mental health determination permits Respondent to resume practice. This period of
9 suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board
11 within the 45-day requirement, Respondent shall immediately cease practice and shall not
12 resume practice until notified by the Board. This period of suspension will not apply to the
13 reduction of this probationary time period. The Board may waive or postpone this
14 suspension only if significant, documented evidence of mitigation is provided. Such
15 evidence must establish good faith efforts by Respondent to obtain the assessment, and a
16 specific date for compliance must be provided. Only one such waiver or extension may be
17 permitted.

18 **19. Therapy or Counseling Program.** Respondent, at her expense,
19 shall participate in an on-going counseling program until such time as the Board releases
20 her from this requirement and only upon the recommendation of the counselor. Written
21 progress reports from the counselor will be required at various intervals.
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 01/09/06.



JOVELLEA MARIE HILL (Respondent)
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 1/13/06.

BILL LOCKYER, Attorney General
of the State of California


ARTHUR D. TAGGART
Lead Supervising Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 2005-186

1 BILL LOCKYER, Attorney General
of the State of California
2 ARTHUR D. TAGGART, State Bar No. 083047
Lead Supervising Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
6

Attorneys for Complainant
7
8
9

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case No. 2005-186

14 **JOVELLEA MARIE HILL aka**
15 **JOVELLEA MARIE THIBODEAUX**
609 South Acacia Drive
Lemoore, California 93245
16

A C C U S A T I O N

17 Registered Nurse License No. 511669

18 Respondent.

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:
20

PARTIES

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

23 **License History**

24 2. On or about May 25, 1995, the Board of Registered Nursing issued
25 Registered Nurse License Number 511669 to JOVELLEA MARIE HILL ("Respondent") aka
26 JOVELLEA MARIE THIBODEAUX. The license was in full force and effect at all times
27 relevant to the charges brought herein and will expire on June 30, 2006, unless renewed.
28

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
/ /
/ /

2
3
4
5

6
7
8
9
0

1
2
3
4

1

2010

11

1/

A

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crimes Substantially Related)

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (f), in that Respondent has been convicted of crimes substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

a. On or about July 24, 2004, in the case entitled, *People of the State of California v. Jovellea Marie Hill* (Super. Ct. Kings County, 2004, No. 04CM2244), Respondent was convicted by the court on her plea of guilty to one count of violating Health and Safety Code section 11173, subdivision (c)—Obtained a Controlled Substance by Fraud, a felony.

b. On or about August 27, 2004, in the case entitled, *People of the State of California v. Jovellea Marie Thibodeaux aka Jovellea Marie Hill* (Super. Ct. Fresno County, 2004, No. 04904285-4), Respondent was convicted by the court on her plea of guilty to one count of violating of Health and Safety Code section 11173, subdivision (c)-False Representation for Obtaining a Controlled Substance, a felony.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Crimes Involving Controlled Substances)

10. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that Respondent was convicted of crimes involving the prescription, possession of, and/or falsification of a record pertaining to controlled substances, as set forth in paragraph 9, above.

///

11


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 511669 issued to JOVELLEA MARIE HILL aka JOVELLEA MARIE THIBODEAUX;
2. Ordering JOVELLEA MARIE HILL aka JOVELLEA MARIE THIBODEAUX to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/6/05


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant